

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

GERARDO GARCIA,

Case No. 2:18-cv-00979-MK

Plaintiff,

ORDER

v.

OFFICER E. BOWMAN; OFFICER
B. CLAYTON; OREGON DEPT. OF
CORRECTIONS; STATE OF OREGON,

Defendant.

MCSHANE, District Judge:

Plaintiff, an inmate proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983 and alleged that defendants used excessive force while he was being escorted to a segregation unit at Two Rivers Correctional Institution. Defendants filed a motion for summary judgment, and plaintiff was allowed until January 25, 2019 to respond to the motion. Plaintiff failed to do so, and on February 13, 2019, he was ordered to show cause by March 15, 2019 why the case should not be dismissed for the reasons set forth in defendants' motion.

In response, plaintiff moves to voluntarily dismiss this case. Accordingly, plaintiff's Motion to Dismiss (ECF No. 29) is GRANTED, defendants' Motion for Summary Judgment (ECF No. 20) is DENIED as moot, and this action is DISMISSED.

IT IS SO ORDERED.

DATED this 2nd day of April, 2019.

s/ Michael J. McShane

Michael J. McShane
United States District Judge